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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 395

[FHWA Docket No. MC-96-28]

RIN 2125-AD93

Hours of Service of Drivers

March 24, 1997.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); extension of comment period.

SUMMARY: The FHWA is extending this rulemaking's comment period until June 30, 1997. This is in response to two petitions received by the FHWA requesting an extension of the comment period closing date. The petitioners based their requests upon the FHWA's

pending publication of the Driver Fatigue and Alertness Study full report. This **ANPRM** is mandated by the ICC Termination Act of 1995.

DATES: Comments to the general **ANPRM** should be received no later than June 30, 1997. Late comments will be considered to the extent practicable.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: For information regarding rulemaking and operational issues: Mr. David Miller, Office of Motor Carrier Research and Standards, (202) 3661790; for information regarding human factors and fatigue research programs: Ms. Deborah Freund, Office of Motor Carrier Research & Standards, (202) 366-1790; and for information regarding legal issues: Mr. Charles Medalen, Office of the Chief Counsel, (202) 366-0634, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On November 5, 1996 (61 FR 57251), the FHWA published an **ANPRM** requesting answers to numerous questions related to commercial motor vehicle driver hours-of-service regulations, including fatigue, loss of alertness, and hours off duty. The **ANPRM** set March 31, 1997, as the comment closing date for signed, written comments.

On March 5, 1997, the Advocates for Highway and Auto Safety (AHAS) delivered a petition to the FHWA. This petition requested the FHWA to extend this rulemaking's comment period closing date by 60 days. The AHAS believes it and the public should have ample opportunity to review and critique the Driver Fatigue and Alertness Study's full report. The full report has not yet been published or placed in the docket. A 59-page technical summary and a 17-page executive summary have been placed in the docket.

On March 13, 1997, the Insurance Institute for Highway Safety (IIHS) petitioned the FHWA to extend this rulemaking's comment period closing date by 60 days. The IIHS believes it

also should have ample opportunity to review and critique the Driver Fatigue and Alertness Study's full report, including its data.

At the time of the original publication in November 1996 (61 FR 57251), the FHWA believed the full report would be published and available well in advance of the comment closing date. The FHWA, however, has experienced unforeseen editorial delays in publishing the full report. The FHWA believes publication will now be accomplished by the end of April 1997. The FHWA believes it should allow the public to review and critique the full report of the Driver Fatigue and Alertness Study.

The FHWA has also conducted listening sessions, specifically listening to drivers, about how the hours-of-service regulations affect their daily lives and their recommended changes to improve the rules. See 62 FR 6161, February 11, 1997. Many interested persons have attended these sessions and would like to review the transcripts of these listening sessions. A few of the transcripts will not be delivered to the FHWA docket prior to March 31, 1997.

For the reasons above, the FHWA finds good cause to extend this **ANPRM** comment period closing date for 60 days after the expected publication date of the full report of the FHWA's Driver Fatigue and Alertness Study in late April 1997.

List of Subjects in 49 CFR Part 395

Global positioning systems, Highway safety, Highways and roads, Intelligent Transportation Systems, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Issued on: March 26, 1997.

Authority: 23 U.S.C. 315 and 49 CFR 1.48.

Jane Garvey,

Acting Administrator, Federal Highway Administration.

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